

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

SKYLINE POTATO COMPANY, INC.,

Plaintiff,

v.

No. CIV 10-698 JB/RHS

TAN-O-ON MARKETING, INC., et al.,

Defendants-Third-Party Plaintiffs,

v.

HI-LAND POTATO COMPANY, INC., et al.,

Third-Party Defendants.

**SCHEDULING ORDER**

In accordance with the Civil Justice Expense and Delay Reduction Plan adopted in compliance with the Civil Justice Reform Act, and pursuant to Title 28 U.S.C. § 473(a)(1), this case is assigned to a “**standard**” track classification. Accordingly, the termination date for discovery is **September 1, 2011**, and discovery shall not be reopened, nor shall case management deadlines be modified, except by an order of the Court upon a showing of good cause. This deadline shall be construed to require that discovery be completed on or before the above date. Service of interrogatories or requests for production shall be considered timely only if the responses are due prior to the deadline. A notice to take deposition shall be considered timely only if the deposition takes place prior to the deadline. The pendency of dispositive motions shall not stay discovery.

Motions relating to discovery (including, but not limited to, motions to compel and motions for protective order) shall be filed with the Court and served on opposing parties by **September 21, 2011**. See D.N.M.LR-Civ. 7 for motion practice requirements and timing of responses and replies.

This deadline shall not be construed to extend the twenty-day time limit in D.N.M.LR-Civ. 26.6.

Plaintiff shall identify to all parties in writing any expert witness to be used by Plaintiff at trial and to provide expert reports pursuant to Fed. R. Civ. P. 26(a)(2)(B) no later than **May 30, 2011**. All other parties shall identify in writing any expert witness to be used by such parties at trial and to provide expert reports pursuant to Fed. R. Civ. P. 26(a)(2)(B) no later than **June 30, 2011**.

**The parties shall have their experts ready to be deposed at the time they identify them and produce their reports.**

Pretrial motions, other than discovery motions, shall be filed with the Court and served on opposing party by **October 3, 2011**. See D.N.M.LR-Civ. 7 for motion practice requirements and timing of responses and replies. Any pretrial motions, other than discovery motions, filed after the above dates shall, in the discretion of the Court, be considered untimely.

If documents are attached as exhibits to motions, affidavits or briefs, those parts of the exhibits that counsel want to bring to the attention of the Court must be highlighted in accordance with D.N.M.LR-Civ. 10.6.

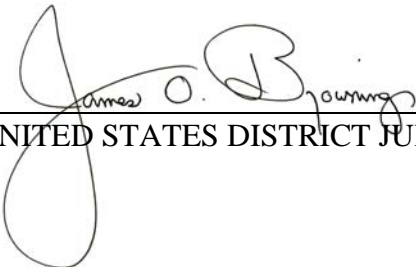
Counsel are directed to file a consolidated final Pretrial Order as follows: Plaintiffs to Defendants on or before **November 15, 2011**; Defendant to Court on or before **November 22, 2011**. Counsel are directed that the Pretrial Order will provide that no witnesses except rebuttal witnesses whose testimony cannot be anticipated, will be permitted to testify unless the name of the witness is furnished to the Court and opposing counsel no later than thirty (30) days prior to the time set for trial. Any exceptions thereto must be upon order of the Court for cause shown.

A motion hearing is scheduled in this matter on **November 9, 2011 at 1:30 p.m.**

This matter is set for a Pretrial Conference on **November 23, 2011 at 1:30 p.m.**

This matter is set for a **Bench Trial** on a trailing calendar beginning on **December 12, 2011**  
**at 9:00 a.m. (Albuquerque/Vermejo Courtroom).**

IT IS SO ORDERED this 9<sup>th</sup> day of March, 2011.



UNITED STATES DISTRICT JUDGE